



COMMISSIONER FOR HUMAN RIGHTS

CONGRESSES ON HUMAN RIGHTS

**COLLECTED
RECOMMENDATIONS**

TABLE OF CONTENTS

COLLECTED RECOMMENDATIONS FROM
CONGRESSES ON HUMAN RIGHTS

03

Recommendations form I Congress on
Human Rights
8-9 December 2017

11

Recommendations form II Congress on
Human Rights
14-15 December 2018

17

Recommendations form III Congress on
Human Rights
13-14 December 2019

23

HUMAN RIGHTS 2035 – five challenges and five
signposts - speech delivered by the Commissioner
Adam Bodnar at the III CHR

I CHR

LAW VS. KNOWLEDGE AND EDUCATION

EDUCATION

- 1.** We have to teach and learn about human rights and civil rights from an early age, and not only in weekly general-education classes with class tutors. It is important to explain the possibilities of practical application of knowledge in the area of human rights. For example, knowledge about human life and body, about people's needs and possibilities should not be presented in separation from related human rights.
- 2.** In order to improve communication pertaining to human rights, we need to use a language that is free from prejudice. That language should be clear and preferably related to specific examples and stories of particular individuals - to show a usable (practical) nature of human rights.
- 3.** Civic education is not only a task to be implemented by schools but also by representatives of the civil society. What is important is the education of teachers as such, so that they can continuously develop and search for new methods of communicating with youth (in our times, democracy does not perceive young people as partners, does not address any messages to them, does not see what is important to them. It treats them as passive recipients of decisions rather than as not new, active leaders of the future, who have their aspirations). It is also a good idea to involve publicly known persons in social campaigns as they may attract the attention of those who, on daily basis, are not interested in the subject of civil rights.
- 4.** Education should make us more sensitive to the rights of other persons (especially the rights of those who are underprivileged). We should all learn more about anti-discrimination law. That recommendation applies also to judges and professional proxies who represent discriminated persons.
- 5.** Persons performing professions in which they can meet victims of domestic violence must learn how to prevent and detect acts of such violence and get familiar with the topic of equality of men and women. Their process of education must make it possible for them to understand the needs and rights of victims of violence, and how to prevent secondary victimization and to limit its influence on children.



6. Support is needed for sexual education transferring knowledge about assertive behaviours as well as knowledge about accepting and understanding one's own sexuality; expressing feelings, building relationships based on responsibility and love, as well as about preventing unwanted pregnancy and sexually transmitted diseases.
7. Social inclusion of migrants requires educational measures addressed to them, but also anti-discrimination education targeted at all pupils and students in the country.

ASSISTANCE IN DIFFICULT SITUATIONS, INCLUDING LEGAL AID

8. Let us start with the improvement of the act on free legal aid, that has been in force for two years. Its amendments should go beyond what is proposed by the President. The only criterion making a person eligible for free of charge legal aid should be his/her income. What needs to be determined is the method for its effective verification.
9. What is also needed is family or psychological counselling (exercising one's rights is not limited to legal acts only) –this type of support is not provided by lawyers but by non-governmental institutions.
10. What is essential is legal support for non-governmental organizations operating on the local level. It is worth exchanging experiences between them. It is worth showing NGOs that such exchange is of mutual benefit.

LAW AND THE SYSTEM OF JUSTICE

THE RIGHT TO DEFENCE

11. Currently, at the stage of preparatory proceedings, the contact of the attorney with the detained person is practically impossible. It is, therefore, necessary to guarantee this right.
12. More emphasis should be placed on informing participants of various proceedings about their rights.



13. Legal counsellors also indicate that in practice, what is hindered is access to court case files. Especially in cases of temporary detention, there is no access to the entire scope of evidence. "The practice is that we meet prosecutors who admit they would make all the files available willingly but they do not have them. The court cannot handover files without prosecutor's consent. Regulations exist on one hand. Yet, on the other, there is a period of several days or weeks before those regulations are enforced. Therefore, there is no equality of arms".

14. . It is necessary to ensure that proposed changes to the procedural law do not result, in case of indictment or suspicion, in the concerned person's actual elimination from normal life. In such a case, there would be no control over the actions of the prosecutors and no limit of the duration of preparatory proceedings (should there be no possibility to appeal to a court for it to control whether there are real grounds for considering someone a suspect?).

15. In order to exercise civil rights, especially those concerning protection of privacy, freedom of expression and the right to live in a safe country, there is a need to urgently regulate the principles of supervising services that combat criminal acts and gather various data for that purpose (including personal data).

RIGHT TO A FAIR TRIAL

16. Courts must operate in a transparent and understandable manner. Judges should not only focus on "resolving cases" and striving to get promoted, but also on better communication with all parties to judicial proceedings.

17. On the central level, the judicial authorities in Poland should be formed in such a way as to operate in a more open way (the idea is to allow citizens to monitor and observe everyday work of courts).

18. Courts should organize annual meetings during which citizens could learn about the issues judges deal with.

19. Judges should also learn how to respond to negative behaviours of representatives of their professional group. Disciplinary proceedings should be initiated in case of judges whose behaviour is questionable, because even single incidents may throw a negative light on the whole judicial community.

20. One should not cease efforts to fight for common constitutional values, including the independence of the judiciary. In order to defend democracy whose indispensable element is a system of courts free from political influences, engagement, passion and civil courage of every citizen is needed.





21. Judges should repay their debt towards citizens by exhibiting courage in impartial resolution of court cases, especially in the current difficult period when politicians are trying to affect their independence (even if there were no written the Constitution, there should be something in judges' minds that we can call a constitutional way of thinking in terms of civil guarantees, human and civil rights and freedoms). In turn, we as citizens should have courage to defend constitutional values which comprise an independent judicial system.

MORE RIGHTS

22. We should strengthen measures for legal protection against discrimination given that the Constitution prohibits discrimination on any grounds. Protection against all forms of discrimination should be of the same significance.

23. The draft act on the protection of personal data, developed by the Ministry of Digitization (version of October 2017) requires further discussion as the proposed solutions concerning the personal data protection authority, to be established in the future, do not guarantee independence.

24. What is missing in the Constitution is the citizens' right of access to the Internet and social media (recently recognized by American courts). Internet is such an important social space that the right of access to this medium should be widely approved. Universal access to information and the possibility to disseminate it should, however, be regulated in a proportionate manner, without infringing other rights.

HEALTH, WORK, HOME

HEALTH

25. Physicians' education should place more emphasis on patients' rights.

26. We need to introduce and promote standard consent forms for medical procedures. The key component of such forms should be a thorough and clear explanation of the procedure, including possible negative effects.

27. It is necessary for the state to provide support to family carers, with particular consideration of those who take care of ill persons without a certificate indicating a degree of disability (the Congress indicated the need to introduce a family carer's card, thanks to which such a person could, among others, get quicker access to medical assistance).

28. The development of genetics keeps posing new bioethical challenges. We need a legislative act on conducting genetic tests, that would appropriately protect the rights of examined persons as well as those to whom the test results may relate (including relatives of the persons whose genetic material is examined). We need to make an effort to universally educate people in the field of genetic tests (nowadays patients fail to understand a lot of information presented by doctors).

29. We have to introduce a community-based model of protection of mental health. It is the best model for providing psychiatric care to persons in crisis, with the assistance offered close to their homes, without closing patients in psychiatric hospitals.

30. It is important to support the initiatives of people who have experienced mental crisis and those who suffer from mental diseases. We need to learn what important roles such persons can play: member of a self-help group, phone consultant, social activist, friend, family member enjoying full rights, companion in the treatment process.

31. The institution of incapacitation should be abolished and replaced by a flexible system of support provision.

32. Elderly persons need to have the right to age at home, in their place of residence; their right to autonomous decision-making must be guaranteed. It is necessary to take comprehensive, coordinated actions that take individual needs of senior persons into account, with the aim to offer an alternative to their stay in a residential home. Central and local authorities as well as social institutions and organizations that deal with the rights of senior persons have the obligation to work on this issue.



WORK

33. The state is vested with the task to take measures to increase the social dimension of work and prevent objectification of employees. Without that it will be impossible to increase the innovativeness of the Polish economy.

34. When reforming the labour law it seems necessary to return to the idea of a work establishment constituting a community of people. Barriers that need to be eliminated also include low salaries as well as a dominating-style method of managing employees.

35. It is essential to modify the retirement pensions system and to extend the period of professional career. Demographic processes may result in the reduction in the size of retirement pensions already in the foreseeable future. They may also pose a threat to the possibility of financing the increasing pension expenses. Changes must be comprehensive in nature and relate both to the structure of the retirement pension system (new pillars) as well as its individual parameters (insurance period, retirement age). The feasibility of such changes must be established in the course of the social debate.



THE RIGHT TO HOUSING


- 36.** The state must consistently implement programmes in the field of cheap residential housing. Without a sufficient number of apartments it will be impossible to strike a balance between the protection of rights of apartment owners (landlords) and tenants.
- 37.** Further work is required on the thorough amendment of the act on the protection of tenants' rights, including on making sure that municipalities have more flexibility in managing their pool of council flats.
- 38.** Losing job abroad may easily lead to homelessness. The problem of homelessness of Poles abroad needs to be tackled systemically and not incidentally. We need to press for changes in the community law (EU) and stay in continuous and close contact with Poles 'on site' who are directly affected by that problem. We also need to increase resources to support the activity of street-workers as well as Polish non-governmental organizations operating 'on site', to increase the number of Polish consular staff in EU countries and create 'Polish homes' for homeless Poles abroad.

ENVIRONMENTAL PROTECTION (PARTICIPATION, CONSULTATIONS, PROCEDURES).

- 39.** Investment projects arduous for local communities, developed close to residential areas are a growing problem. People have the right to express their opinions in such cases but sometimes they fail to do so as they are not aware of their rights. We need to learn to exercise rights stemming from the Aarhus Convention (which guarantees access to information, public participation in decision-making and access to justice in environmental matters). Public authorities should apply the provisions of the Aarhus Convention directly.
- 40.** Regulations should be changed so that approvals for forest management are granted in the form of an administrative decision, which would give environmental organisations a chance to challenge such decisions. Forest management cannot be perceived as the internal matter of the forest owner only, as a forest is a common good (cf. ruling of the Supreme Administrative Court of 7 October 2017, ref. II OSK 2336/17).



PERSONS DEPRIVED OF FREEDOM

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- 41.** We have to make sure that effective mechanisms are implemented to prevent the use of torture in detention places.
- 42.** Detainees need to have access to a defendant from the very beginning of the proceedings. It applies, in particular, to persons who cannot afford a defendant of their own choice. What is needed is a system of comprehensive medical examinations of every detained person. The right to immediately notify a third person of the fact of detention must be guaranteed.
- 43.** We cannot tolerate behaviour that may be indicative of the use of torture – therefore, we need social education.
- 44.** The law must clearly set out what the crime of torture is (at present, the Polish law only uses that concept in relation to prisoners of war). No situation may justify the use of torture.
- 45.** If cases of torture are identified, parliamentary oversight should be introduced over the operation of services within whose scope of competence such situations occurred. It is an effective method of exerting influence on persons supervising detention centres and an important element of education (also education of persons responsible for creating new laws).
- 46.** We need to introduce an effective system for identifying torture victims among foreigners seeking international protection in Poland. We can see that persons who suffered torture in their countries of origin are still sent to guarded centres for migrants in Poland. This procedure is inconsistent with the Polish law. Placing such persons in detention centres leads to additional trauma for them and makes it impossible to provide the torture victims with adequate psychological assistance.

THE SITUATION OF PERSONS WITH INTELLECTUAL OR MENTAL DISABILITIES HELD IN PENITENTIARY INSTITUTIONS

- 47.** We need to teach relevant services how to react in cases of worrying signals in the behaviour of persons who are detained, temporarily arrested or convicted. The idea is to identify signals which may suggest that the person in question suffers from intellectual or mental disability.
- 48.** Convicted or temporarily arrested person in whom a mental disease has been diagnosed should be immediately transferred to a psychiatric hospital. Psychiatric wards operating within penitentiary institutions offer only pharmacological therapy; psychotherapy and workshop therapy are not available.



POLAND AND EUROPE

49. What we need is a community based on values. Politicians are not always able to talk about it but the European Union is built on those values, on the Judeo-Christian culture. Reasonable policies should be ashamed of neither pragmatism nor values. Instead of guarding ourselves, we should embrace and implement the idea of hospitality.

50. We cannot separate ourselves from others. A society that is closed and immersed in its own systems is a threat to the existence of community. Such a society always needs a scapegoat (someone who is not sufficiently 'patriotic' or 'local', not sufficiently 'ours').

51. As part of the solidarity-based migration policy of the European Union and with regard to the need for Poland to accept refugees who have already reached Europe, it would be desirable to introduce such a migration policy that would necessitate the acceptance of a pre-determined number of refugees for whom Poland could ensure real assistance. When permitting refugees to stay in its territory, a given country takes responsibility for such persons in terms of ensuring their access to education, work and the integration processes. Therefore, Poland should accept only such a number of refugees to whom it can offer comprehensive assistance and integration. Under such circumstances, the migrants will be able to use their full potential, also to the benefit of Poland.

THE EUROPEAN CONVENTION ON HUMAN RIGHTS

52. People do not have extensive knowledge about the body of rulings of the European Court of Human Rights (ECHR). Even judges of common courts of law or administrative courts rarely invoke rulings of that Court when passing their own judicial decisions. Yet, the significance of the European Convention on Human Rights is not only limited to its international dimension. The European Court of Human Rights may only operate well when most human rights violations are prevented and corrected on the national level. Therefore, it is advisable to disseminate knowledge about the Convention and rulings of the ECHR.

53. It should be remembered that the European Convention on Human Rights has precedence over national law and can be directly applied in the case of conflict between national regulations and the Convention.

54. It is also necessary to monitor the enforcement of rulings of the ECHR by Poland. This should be done not only in the systemic context (the implementation of recommendations arising not only from cases brought against Poland but also cases brought by citizens against other countries), but also in the individual context (payment of compensation to Poles who won their cases).



II CHR

CRISIS OF THE RULE OF LAW IN POLAND

- 1.** Attention should be paid to ensuring a diversity social organizations by building a non-discriminatory system public funds allocation to them for the implementation of their statutory objectives. Distribution of the support funding should be based on a fair, transparent, open and competitive selection process. The development of NGOs leads to expanding the space for the civil society.
- 2.** It is also recommended to react to all attempts of stigmatizing civil society organizations that defend democracy and human rights. In this respect, it is necessary to require state authorities to fulfil their obligations arising from the international law as well as the recommendations of the European Union Agency for Fundamental Rights (FRA). In its latest report, the Agency recommends collecting and publishing data on hate crimes against organizations working in the field of human rights.
- 3.** It is recommended to become involved in the law-making processes and to demand respecting our rights to open and effective social consultations. More and more often we come across situations when such consultations are avoided, an example of which is the excessive use of the possibility of proposing parliamentary bills instead of governmental ones (because of the fact that parliamentary bills do not require consultations). We may also propose the society's bills.
- 4.** We should develop cooperation with international bodies by forwarding information required for objective evaluation of the situation in the area of the rule of law in Poland. From this point of view, the most important decision of the Court of Justice take in 2018 was the order of the Vice-President of the Court of Justice of 19 October 2018 in Case C-619/18R (Commission complaint against Poland regarding the Act on the Supreme Court). The effect of the order (confirmed subsequently by the order of 17 December 2018) was the seventh amendment to the Act on the Supreme Court Act, adopted on 21 November 2018. This only proves that the course of action is correct and should be continued.
- 5.** We should definitely disagree with the statements that judicial proceedings conducted before the EU Court of Justice (both on the initiative of the European Commission and as a result of questions referred to for preliminary ruling and concerning the interpretation of TEU provisions in the context of the rule of law in Poland) may be viewed as interference with Poland's internal affairs. It is worth reminding that such proceedings have a basis in international obligations undertaken by Poland and in the Constitution of the Republic of Poland.



6. We should defend judges who decide to refer questions to the Court of Justice for preliminary ruling. They have a right and sometimes even a requirement to do so, directly under the EU law. Judges may not be restricted in the area of asking the CJ for the interpretation or assessment of any EU law. Only the CJ may assess whether the questions are correctly formulated and relate to the scope of jurisdiction of the court. Questions directed by judges should not be assessed as action in excess of their competences and should not be considered grounds for disciplinary proceedings.

EQUALITY – A LESSON IN HISTORY

7. If we want to strengthen our independence we should conduct our social and interpersonal relations according to the principle of joint responsibility rather than competition, and permissibility of different perspectives and points of view. We have a new generation of people brought up in free Poland, but there are groups that do not necessarily identify with this model of the state. The key issue is communication which should be multilateral, should use new technological solutions and should not be carried out in the traditional one-way direction from the elites to the society.

8. We should take steps to ensure real equality of rights of minorities and their subjective treatment. The fact that one is a part of a national or other minority should not be perceived as a threat. People who experience "hate speech" should find the support of the state. The history of Poland that had minorities for centuries is full of good examples and models. Any xenophobic statement or behaviour in public space should be stigmatized.

9. We should work towards changing the nature, composition and rules of work of the Joint Committee of the Government and National and Ethnic Minorities or the establishment of a new institution that would make it possible for representatives of minorities to have real influence on the state policy in this area.

10. We should also take steps to underline the importance of national and ethnic minorities in the history of Poland, in the general education curricula and in educational programmes of schools and educational institutions. There should be lessons about modern patriotism and intercultural cooperation, referring directly to the idea and heritage of the Polish Commonwealth of Nations.

11. We should request local authorities to be more involved in promoting the prohibition of discrimination, including the prohibition of discrimination against LGBT people e.g. by adopting local programmes for their equal treatment.



- 12.** We should take steps to ensure that Article 13 of the Constitution is consistently taken into account in activities of prosecutor's offices as well as in judicial decisions, and is not just a written provision on potential sanctions. The article prohibits the existence of political parties and other organizations that relate to totalitarian methods and practices of Nazism, fascism and communism, and that consent to hatred and use of violence.
- 13.** We should support non-governmental organizations in their activities against hate crime, violence and unequal treatment. All such initiatives are valuable, particularly the bottom up ones, if they help people who are weaker, discriminated against, victims of crime or at particular risk of violence.
- 14.** We must create a simple and victim-friendly system of reporting hate crimes, e.g. through the implementation of the directive on victims (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA).
- 15.** We should ensure the safety of victims of domestic violence by immediate isolation of the perpetrator from the victim, regardless of the initiation of proceedings against the perpetrator and the stage of those proceedings.
- 16.** It seems necessary to supplement the legislation that prohibits sexual harassment in various areas of social life, in particular in the area of higher education.
- 17.** We should initiate training programmes for employees of the police, prosecutor offices, for judges and doctors about domestic violence and sexual violence because the fight against those crimes requires specific knowledge and sensitivity. We should learn how to accept information on such crimes and how to talk to victims so as to avoid secondary victimization. Particular attention should be paid to the situation of migrant women, women with disabilities, seniors or persons living in rural areas.
- 18.** Steps should be taken to change the definition of rape as crime, so that every sexual act performed without a person's consent is subject to penalty.
- 19.** We should talk about life problems that LGBT people face as a result of their rights not being provided for in the existing legislation. A good opportunity for this may be compulsory school activities on human rights (e.g. introduction to social science, or education for family life).



20. It is also necessary to develop activities in the field of strategic litigation relating to the protection of the rights of LGBT persons, conducted by their professional representatives and non-governmental organizations, in order to disseminate international standards in the judicial practice.

21. It is also necessary to introduce legislation regarding universal design and to expand the scope of application of the so-called reasonable adjustments.

TAKING THE LAW SERIOUSLY

22. The right to sex education is the right to information. Such education is a part of health education, and relates to the right to health protection. Unfortunately, young people are left to themselves; teachers do not want to discuss the subject, and have no tools and possibilities for it. Therefore, we should require the state to meet its obligations, including compulsory sex education taking into account contemporary knowledge and results of scientific research. It is also advisable to involve local governments more strongly, in particular in the co-financing and organizing additional programmes.

23. We should seek strengthened supervision of the Ministry of National Education and school inspectors over the organization of classes in "Education for family life" so that it is also consistent with contemporary knowledge and neutral in terms of worldview.

24. We need better education and information for the society about possibilities and risks related to the development of new technologies, in particular in the area of self-learning systems and their effects. We must "follow the algorithms" in order to protect ourselves against the loss of control over our data and the possibility of its misuse.

25. We should take more effective measures demanding the state to be responsible for environmental protection. Only the state has the tools (or the possibility of their establishment) to achieve this goal. The Constitution of the Republic of Poland (Article 68) guarantees the right to health protection to citizens. This right can be enforced in particular when the state authorities fulfil their duty to care for the environment (Article 74 of the Constitution). Environmental sustainability can therefore be considered as a condition necessary for citizens' health. Effective environmental protection means not only the prevention of environmental pollution but also the protection of biodiversity and climate stability.





26. We should also more often refer to the rights provided for under the Aarhus Convention which guarantees the right to information and the participation in decision-making processes, as well as access the access to justice in cases related to the environment. It is possible to take cases to court to make the authorities fulfill their responsibilities in this area.

27. It is also possible to apply Article 364 of the Environmental Protection Law (relating to operations discontinuance due to risk posed to human health). The article may be applied e.g. to the problem of odour nuisance, or to cases of risk to mental health. According to the holistic approach, human health means both physical and mental health and the basis of the latter is mental well-being. This interpretation of the provision may make it possible for the Environmental Protection authorities to limit operations that are formally legal but arduous to people, claiming that they pose a risk to human life or health.

28. Moreover, steps should be taken to introduce people's right to living in a clean environment. This would give more possibilities, for example with regard to air pollution, to claim one's right to living in unpolluted environment as individual's right, and to seek protection by starting court proceedings concerning infringement of individual's rights.

29. We should take action to convince as many local governments as possible to apply the Charter of Rights of persons who experience homelessness, which lays a basis for systemic and comprehensive solutions of the problem.

30. Steps should be taken to limit the increasing transport exclusion of residents of smaller towns and villages who have problems with transport connections to work places, health centres or cultural and educational facilities. To this end, transport to schools for all those who need it, or bus transport services available on the phone can be introduced. Greater engagement of local governments at the level of municipality and voivodeship is required.

EFFECTIVENESS OF THE SYSTEM OF JUSTICE

31. The work of courts needs to be improved. Only a court that is independent, competent, accountable and effective can guarantee fair judgments. Discussion is required about the model of appointment of judges and the structure and organization of the system of justice in Poland. The key constitutional values of those institutions must be maintained: courts must be independent and judges must be impartial.

32. The continuation of activities in the field of digitization of the system of justice should be supported. As a result, a large part of proceedings-related documentation will be available in the electronic form and consistent with WCAG 2.0 standards, taking into account the specific needs of people with disabilities.

- 33.** Measures must be taken to ensure that all persons working within the justice system, regardless of their position and function, are trained in the field of specific needs of people with disabilities and in anti-discrimination treatment. This knowledge should also be included in university courses in law, including apprenticeships and the courses offered by the National School of the Judiciary and Public Prosecutors.
- 34.** Steps are required to abolish the system of incapacitation in its current form, as inconsistent with the provisions of the Convention on the Rights of Persons with Disabilities. Instead, various forms of assistance based on the model of supported decision-making should be introduced.
- 35.** A national-level plan towards a deinstitutionalized system of care for people with disabilities is needed. We should call upon the authorities and MPs to take initiatives in this regard and to implement the National Deinstitutionalization Programme.
- 36.** We should seek a change of the current system of person's surveillance carried out by special services pursuant to a court's decision. After the proceedings regarding the case are ended, the person whose conversations had been recorded should be informed about it. This would make it possible to verify whether the use of the surveillance systems is justified. Courts should be provided with financial and personnel support in this regard. It is also worth considering the introduction of a system used in Germany or the UK. Britain where the use of surveillance is assessed by independent bodies.
- 37.** One of the problems of the Polish justice sector is the inefficient system of court experts. Yet, their role in court proceedings is extremely important as their opinions often directly impact the judgment. Therefore, it is necessary to verify the procedures of court expert selection and to develop a central register of court experts.
- 38.** Changes are needed regarding the official language use in courts and the improved communication of statements that contain judgment reasoning. A citizen who does not know the language of the judgment cannot trust the justice system. The use of new technologies is recommended here. Open access to the system of algorithms used to assign cases to judges would also increase trust to the system. Furthermore, citizens should be convinced that judges themselves seek more openness and the necessary changes.
- 39.** Attention should be paid to modern forms of citizens' legal education. A very effective tool is mock trials that teach about the basic elements of court proceedings, the complexity of approach to various situations, the need to avoid simplified judgments and to maintain respect for other people. In this context, disciplinary proceedings initiated against judges in connection with their participation in such mock trials that make the work of courts closer to citizens should be a source of concern.
- 40.** For the reform of the system of justice to be effective, adequate methods should be used to measure the effectiveness of courts' work. In this area, both quantitative and qualitative factors should be taken into account, and steps should be taken to this end. It is also of great importance for the system to be clear for citizens.

III CHR

CLIMATE CHANGE

1. Responsibility for the world must be taken by young people. The older generation benefited from climate change – in the interest of the young ones, it needs to be stopped.
2. Responsibility for the climate has to be learnt.
3. Climate change requires a new, more serious approach to human rights. An alternative would be to consider them subordinate to the climate needs which would expose people to the risk of arbitrary decisions of the authorities.
4. Climate change requires a new approach to the refugee issue.
5. The principle of business as usual cannot be maintained as fundamental changes in the conduct of business activity are necessary. Good solutions implemented by businesses must be promoted. We have to learn how to shift from traditional business strategies to those focused on innovation and sustainable development.
6. In Poland, clear and precise legal tools are needed to combat environmentally burdensome projects and environmental pollution. Today, we have the Constitution with its Article 74, the administrative law, international law and civil law. Taken separately, none of them provides a real chance in the fight for protecting the right to a clean environment. Only a "cocktail of regulations" can offer this possibility. We must learn to use it, together with our neighbours, by taking measures to improve the condition of the environment in our immediate vicinity.
7. We must also demand changes to the law:
 - Firstly, the Polish law lacks regulations that directly make it possible for citizens to require the authorities to adopt environmental protection measures of a "general" nature (e.g. local spatial development plans, or air quality protection programs) and, consequently, to sanction the authorities for their passivity in this field.
 - Secondly, the quality of administrative proceedings that relate to environmental issues leaves much to be desired. There is a shortage of professional experienced public-administration officials, money for equipment, experts, specialist expert opinions and professional legal support for public-administration bodies (e.g. to defend appealed rulings in courts). As a result, such proceedings, to a large extent, serve the purpose of environmental protection only theoretically.
 - The situation is aggravated by citizens' limited control over the work of public-administration officials, due to impossibility to take part in such proceedings.
 - In this context, special role is played by social/environmental organizations.



MODERN TECHNOLOGIES

8. The widespread use of new technologies and algorithm-based data processing means that instead of being an exclusive and specialist subject, technologies must become, at least to some extent, an aspect recognizable and identifiable for general audience. Supervision over their implementation and use should be professionalized, and attention should be paid to broader social education in this field.
9. As citizens, we should have the right to the transparency of algorithms used in relation to us, and to their development not based on political decisions.
10. Of key importance for ensuring the protection of citizens' rights is, as it seems, the preservation of the human factor which increases process transparency and accountability that cannot be ensured today, in the case of fully automated systems.
11. 1. The new regulations, including the GDPR give us, inter alia, the so-called right to be forgotten. However, it should be remembered that this right may be enforced solely with regard to professional entities such as, e.g., Google. Perhaps we need to extend the protection of civil rights at the state-citizen level by areas taking into account the activities of corporations that have started to encroach so far into the lives of every citizen.
12. It is worth emphasizing that thanks to new technologies we “can do more” i.e. we have more opportunities to disseminate other people's data. This does not mean, however, an increased acceptance of violations of the right to their protection. The sense of anonymity in the internet is huge. Yet, the limits of expressing one's views or disseminating information have to respect the boundaries of privacy and freedoms of other people. Crimes committed in cyberspace do not disappear because they bear effects in the real world, and thus they have to be sanctioned like any other crimes.
13. It also seems necessary to strengthen public institutions and secret services so that they can build greater competences of their employees in using technologies to the benefit of citizens. Public awareness of the powers of state services and of what we can do ourselves is of real importance. This mechanism works twofold: we are increasingly dependent on technologies, and operational technologies make it easier for us to perform our tasks. It is of greatest importance to build awareness of how a technologically advanced state works.



DEMOGRAPHIC PROBLEMS

14. We - citizens and voters must demand that the authorities develop a comprehensive system to support persons with disabilities as well as senior persons.

- We must apply modern technologies so as to support those who are more sensitive. This means, however, that everyone has to learn the principles of accessibility (for example, by following the guidelines of the European Accessibility Directive of 2019). Everyone, which includes public-administration officials, judges, heads of public institutions and members of local governments. Modern thinking includes also thinking about the size of fonts used in letters, about how understandable the language is, and about the formatting of documents so as to make them understandable for visually impaired persons (as required of our public institutions under the Digital Accessibility Act adopted this year).
- Sport should be equally accessible for fully-able people and people with disabilities, for people from small towns and villages, and from large cities.
- Passenger cars will not solve transport problems, particularly with regard to seniors, people with disabilities and those who are ill. Transport based on passenger cars will contribute to further degradation of the environment. That is why we must focus on public transport. The public opinion should be engaged in a serious debate on legal solutions in this area. They exist already, although they need improvement, but they are not discussed as much as they deserve.

15. 1. We must learn to share the good of work. Economic development is both an opportunity and a threat. The globalization of the economy, as well as the new technologies, have changed the labour market (for example through the new phenomenon of employment via digital platforms). It has become more difficult to find employee protection such as that offered under a contract of employment. And this is the foundation of a secure life in a democratic society. In Poland, however, there are too many people who are not protected: their work is not declared, is performed under temporary contracts or contracts for specific work. They are not entitled to vacation or sick leave, they cannot plan their future. However, their situation will not be improved by general considerations or mere analysis of the applicable regulations. The specific situation of the precariat, e.g. young people, including young mothers, people with disabilities and foreigners from outside the EU, has to be tackled, e.g:

- For young people it is extremely important to have assistance in changing their place of residence.
- The situation of young people in the labour market will not improve if schools teach only reproductive skills instead of creativity and shared problem solving.
- Polish trade unions must seek the improvement of the situation of migrants because their poor treatment spoils the labour market and deteriorates the situation of Polish workers.

16. There is a need for a new way of thinking about health, health protection and the challenges posed by the new reality.

- The problems in the field of psychiatry, particularly the dramatic situation in child psychiatry in Poland, must not be underestimated. All over the world, not only in Poland, the number of children suffering from mental disorders during developmental age is growing.
- Key important debates on the freedom of conscience, related doubts and supported values should be conducted in the spirit of openness, but also with the awareness that they are not academic debates. Solutions relating to the conscience clause in health care are awaited by real people.

- It is estimated that the infertility problem affects at least 10-15 percent of couples around the world, and the ratio is rapidly growing. State aid in the treatment of infertility must be effective and well-organized, and the in vitro procedure must be refunded.
- Bioethical problems connected with the development of medicine cannot be solved without the political will to address those difficult that divide the political community. However, lawyers, doctors and specialists in genetics have already developed proposed solution which can be used (e.g. in the field of genetic testing and research).

17. The thinking about the open society in which we will live requires a new approach to groups that, until now, have been ignored.

- Poland is undergoing a transformation from a typical emigration country into an emigration and immigration state which may become an attractive place of employment for certain groups of foreigners.
- In Poland, at least 30,000 people are affected by the homelessness crisis. A large part of them are young people. Their situation requires interventions by the state and the communities: this relates mainly to young people who leave institutional care facilities or who come from disadvantaged families (e.g. those affected by violence, alcohol problems or extreme poverty).
- The effectiveness of Roma programmes depends on the development of appropriate projects addressed to individual communities. General top-down programmes not consulted with the Roma minority cannot work effectively.
- LGBT persons must enjoy full respect for their family and personal lives . This requires, e.g., modern regulations on gender designation in birth certificates, in line with international standards, the possibility to enter into same-sex unions, the adoption of regulations on the legal situation of children born abroad in same-sex unions, the extension of legal protection against discrimination beyond the area of employment, and enhanced protection of victims of crimes motivated by homophobia, biphobia and transphobia.

DEMOCRATIC EDUCATION OF YOUNG PEOPLE

18. 1. The creation of a space for discussion with young people is the precondition for increasing their social participation, and thus for strengthening democracy and improved implementation of the law. We need to consider how to create conditions for an equitable discussion, one in which the voice of the young generation is heard and taken into account. In the public debate, many times the following questions are asked: Where are the young ones? Why is it that only so few of them vote and get active in the society? These questions, however, seem out of place today, in the context of student strikes, youth strikes for the climate and activities of young MPs, local government officials and youth councils. Young voters have hopes connected with the first elections in which they may participate. Yet, over time, their interest in politics and the public area decreases, not because it is no longer important to them, but because of their disappointment with the lack of expected results and changes. The role of schools and public institutions is to maintain young people's interest and to make it easier for them to exercise their rights.



19. Human rights, the tragic situation of refugees, the problem of addictions, the effective role of trees in ensuring clean air ... How to transfer this knowledge so that it is not only understandable and interesting, but also gets young people engaged? We should look towards education that uses performative means of expression: video and internet games, performances, simulations, meetings and debates, that not only teach but also make it possible to understand individuals facing a given problem, to solve conflicts, to recognize and correctly name emotions. This approach strengthens empathy, one of the main competences in a democratic society. We did it together during the Congress: during mock court proceedings or police interrogations we learned how to use games in human rights education, how to use social media and make podcasts. We listened to young people.

20. What else can we do, apart from actively listening to young people? We must ensure that young people have healthy conditions for their development: that effective psychological support or psychiatric care are provided if required, that preventive measures are taken against their social exclusion and homelessness, and that unequal treatment of people entering the labour market is counteracted.

CRISIS OF THE RULE OF LAW

21. We need a language of understanding, not conflict. We need to understand each other so we cannot rely on language used in specific professional areas (including the legal variety of the Polish language). Neither should we use language that is radical or characterized by anger, as such language does not allow us to explain the problems we face, reach understanding and look for solutions together.

22. We are different, we have different needs and opinions. By respecting each other, we may escape the trap of being "the sovereign power", the term which makes us an indistinguishable mass on whose behalf only the parliamentary majority has the right to speak.

23. If we give ourselves the right to differ in the public debate, the reconstruction of good legislation must follow: a parliamentarian should not be given only 30 seconds to speak; a bill cannot be adopted within 2.5 hours. We must return to normal proceedings in the Parliament, to respect opinions of expert legislators, to observe the rules of procedure of the Sejm and the Senate, and to seriously approach public consultations. Otherwise, the process of competence leakage from constitutionally empowered institutions cannot be stopped. Today, not only courts are deprived of their independence. The Sejm is no longer a place of debate, it has become an extended arm of the government, and the decision-making centre has been moved outside public institutions.

24. The rule of law in Poland depends, to a large extent, on the impartiality of courts. Courts must remain independent and judges must effectively defend their impartiality. Courts have an obligation, under the Constitution and European law, to verify the independence of themselves and of other courts. A judgment issued by a court that is not independent is issued against the law.

25. Judges are facing a great challenge. We must support them so that we are not left alone when the time for us, citizens comes.

26. We have the right and the duty to protest against decisions and new plans to restrict the rule of law. The voice of young people can be decisive here, but we have to work together to this end. The top-down teaching and moralizing of the older generation, accompanied by memories of the martial law of 1981, is not enough. Again, we need discussions, the acceptance of the position of young people, and the search for new forms of communication in line with the needs of the young generation.

27. The lawyers' community should work on standards of actions that may be taken by judges whose independence is under attack. It should also consider systemic solutions that can restore normality. This may include, for example, a new parliamentary act that would adjust the composition of the National Council of the Judiciary to the standards set out in the judgment of the Court of Justice of the European Union of 19 November 2019, or a reform of both new chambers of the Supreme Court. Even if the related actions of the Senate are unsuccessful, such solutions will certainly increase legal awareness.

28. At the same time, work is necessary on improving public trust in the system of justice. This is best fostered by issuing judgments that are transparent and understandable to the public.

29. Judges should increase their knowledge in the field of application of EU law. This relates, among others, to ensuring effective consumer protection in the manner specified in EU law and the jurisprudence of the CJEU. It is worth focusing on modern international education that would also allow for regular exchange of good practices among legal professionals. The society should give a greater influence on how the law is shaped.

30. Family courts' proceedings that relate to children require urgent improvement. The problem affects an increasing number of families, and the impact of the lengthiness of such proceedings, from the perspective of children's lives, is different than in the case of administrative or financial proceedings. Experts keep listing problems to be solved in family courts: it is high time to start solving them.

31. Another systemic problem is the method in which pre-trial detention is used by courts. This also concerns people and impacts their perception of the justice system. Torture or methods of treatment after detention are also a problem. A discussion on the subject, aimed at sensitizing citizens to the rights of persons deprived of liberty will make it possible to strengthen the foundations on which the rule of law in Poland will be rebuilt.



HUMAN RIGHTS 2035

FIVE CHALLENGES AND FIVE SIGNPOSTS

- **I appeal to politicians, not from the current or the former governments, which I want to explicitly stress, but to all politicians, as the problem of the lack of a strategic approach has been visible in Poland for many years.**
- **I urge presidential candidates, those who attended the Congress on Civil Rights in person and those who were represented by their delegates.**
- **Let us look into the future. Let us see what is really important. And let us get ready for what is coming. Before it gets too late.**

My work and responsibility is to defend the rights of citizens. Defending the rights of the people. On a daily basis. This often means reacting to injustice, harm, interventions, speeches.

However, I also see the role of the Ombudsman on a different level. That is why I stand here today and that is why I allow myself to talk about what worries me a lot. I am not a politician, but in the current style of politics I see a great threat to citizens' rights. What worries me is how far the whole machinery of state management is today from providing citizens the right to a secure future.

I am concerned that the whole political and media discourse is currently swamped with personal attacks, “news of the day” coming from political parties, scandals, mutual allegations, everyday ping-pong between several political groups. Such ping-pong rarely leads to anything good as far as the shaping of our future is concerned.

This is not what politics should be about. This is not what the mission of ruling a country should be about. We are about to face profound civilization challenges. It is up to us to decide how we are going to approach them. It is up to us to create a strategy of further development for our country and the continent.

Because politics equals responsibility. Yet, serious problems and challenges which, in the future, will affect our everyday life are omitted from the political discourse. As a state we fail to hold strategic debates, to establish crisis panels, and look for solutions for the imminent, profound threats. We are merely looking for solutions to safeguard our well-being "here and now" as later "it will somehow work", "we cannot be bothered what happens once we are gone" or "we let our successors worry about the future".

Therefore today, on behalf of citizens, I take the liberty to remind politicians - persons responsible for managing this country: challenges and your tasks lie elsewhere. Not in a TV studio. Not in the next election campaign. But in the perspective of the next 15-20 years. And in the action plan for those next 15-20 years.

The citizens of this country have the right to expect its politicians to fulfil the task that has been entrusted to them: to ensure safety to the people and to the country. And this safety - as was discussed during the Congress - is threatened by a range of significant phenomena.

The climate crisis which is not a distant problem of oceans and foreign UN speakers but already affects the health of our children, our nature and our life expectancy.

The inevitable demographic changes that will soon pose a great challenge to millions of Poles who will have to face the problem of old-age loneliness or of providing assistance to elderly parents for whom the state fails to offer any solutions (or ones that fail to meet the current standards of human rights).

It is a challenge of conducting a dialogue between generations...

We have the right to clean air. We have the right to dignity in old age. We have the right to healthcare. We have the right to education. These are not rights reserved for voters of any specific party. There are no disputes, no arguments about it. These are the rights of all of us. And they are more significant than everyday squabbles. Today we all, irrespective of our political persuasion, breathe air of appalling quality. Getting older is unavoidable. We all care about providing good education to our children and grandchildren.

We all need to get together and do something about it.

Media may also play a huge role in that. Climate and demography rarely make it to the headlines in this day and age. Neither does the threat resulting from rapid technological development. Sometimes, what is considered newsworthy escapes our memory completely after 2-3 days. But the planet keeps changing.



I can see 5 challenges and 5 signposts that may help us get prepared for this difficult journey.

I would like to use a clichéd example to illustrate the problem we are currently facing. Probably everyone has had some renovation works done at home. When we hire a renovation team we expect that its manager will have some plan. He will plan the works in such a way to overcome the challenges, to keep the budget in check; he will design the layout of the interior space and will perform the works so as to achieve a desirable effect at the end. Precisely like this. The same should be expected of leaders. Politicians. Civil servants. People whose work consists in ensuring that citizens have the right to decent life.

Do we feel that today anyone is following any plan? For 2030, 2035, or for 2050?

Having listened to recent comments of those people, certainly not. 2035 is not, as it may seem, a very distant perspective. Already now we have to reflect on how the reality will be changing, what developmental trends we will witness. It is worth considering what we were doing 15 years ago, in 2004? Probably it will turn out that all of us can recollect some events from that year, and 15 years ago may seem like "yesterday". Let us imagine the upcoming 15 years. What challenges are we facing? It is my perspective. Resulting from my work in the Office of the Commissioner for Human Rights, from my talks with you here, as well as consideration of complaints filed by citizens. Maybe it is the right perspective, maybe not. You may see things differently. But I urge you: stop thinking in terms of "here and now". Let us look into the future, into the next 15 years. Let us consider the challenges we are facing and how we can overcome them. Let us think how the Constitution and human rights standards may help us.

FIVE CHALLENGES

CLIMATE CHANGE IS A SCIENTIFIC FACT.

It is hardly disputable when we see drought-stricken Victoria Falls or melting glaciers. Rising average temperature on the planet will entail social changes, threat to life and health as well as mass migrations. Prof. Philip Alston, special UN rapporteur on Extreme Poverty and Human Rights, who is a guest at the Congress, presented the view that we will be more and more affected by the so called climate apartheid - excluding poorer residents of the planet from the possibility to avoid the consequences of climate change. As the wealthy will have various means to cope with the crisis.

Climate change will, therefore, affect not only our discussions on the rights of humans to clean environment but even on their right to survive. This is also part of our responsibility for future generations.

Let us think on what future awaits us. Will there be blackouts in Poland? Will Łódzkie Voivodeship be affected by the shortage of water? Will hurricanes become a frequent occurrence and damage Polish forests, just like in Rytel?

NEW TECHNOLOGIES MAKE OUR LIFE EASIER AND THEY CONTRIBUTE TO CIVILIZATIONAL DEVELOPMENT

Algorithms and artificial intelligence are entering our everyday lives. In the context of human rights, new technologies also bring threats: ones originating from the systems of the state and of large corporations.

Simplified communication and consumer choices lead us into temptation. We are sharing our data, we are losing control over it and, at the same time, we are subject to ever-increasing manipulation.

The question arises whether we are able to stop, whether the development of "supervised society" is a one-way road. As long as we are not aware of the threats stemming from the increasing control over our lives, we create room for the restriction of rights, political freedoms and conscious choices.

Or maybe in a couple of years - just like China - we will have a system of points collected by citizens over their lifetime, thanks to which the most deserving ones will have access to better schools and work. Or maybe we will build towers - just like in Hong Kong - which will make it possible to perform biometric identification of all city residents, including demonstration participants?

Or maybe following Russia's example, we will establish sovereign Internet, our own, Polish, patriotic and national Internet and we will impose on Internet providers the obligation to install special overlays allowing for controlling our activity and blocking pages?

DEMOGRAPHIC PROBLEMS ARE BOUND TO ESCALATE DUE TO THE AGING OF EUROPEAN SOCIETIES

Life expectancy is on the rise, which naturally is not bad news. Yet, we ask whether old age will be a joyous period for everyone? Will we be able to solve the problems associated with ensuring decent care for the elderly or with the frustration stemming from low pension benefits (especially in case of the lack of comprehensive system reform).

Will economic migration and open borders result in the disappearance of bonds and intergenerational solidarity?





As a consequence of the aging society, more expenditure will need to be allocated to healthcare and nursing services. At the same time, social expectations, resulting from medical advancements, will be on the rise. Since, if medicine can offer a certain solution, why would it not be provided by the state? And lastly, the last challenge concerns the consequences of migration - gradual creation of a multicultural society in Poland and possible social conflicts motivated by multicultural nature of the country in the face of an economic crisis. Is our society ready for that? Will we experience the problem of suicides among seniors, just like Japan and South Korea? Or maybe what awaits us is a rebellion of young people refusing to finance costly surgeries on older citizens?

CIVIC EDUCATION. THE YOUNG AND THE AGED

We can see a constantly increasing gap between the world of the young and the world of the elderly, which affects the level of understanding of democratic values. That gap may be attributed to different generational and historical experiences but also different methods of using media, the Internet and communicating. Several sessions during the Congress were devoted to the issue.

As a result, we observe a crisis of authority and insufficient understanding of the significance of citizenship in terms of a membership in a political community. We do not pay attention to what may seem obvious to us, just like we do not notice air when we are breathing it. This dissonance may bring about a threat for democracy; affect the emotional nature of everyday politics as well as the rise of xenophobic and nationalistic attitudes and populist movements.

This was discussed by Olga Tokarczuk in her Nobel Lecture: "Instead of hearing the harmony of the world, we have heard a cacophony of sounds, an unbearable static in which we try, in despair, to pick up some quieter melody, even the weakest beat. The famous Shakespeare quote has never been a better fit than it is for this cacophonous new reality: more and more often, the Internet is the tale, told by an idiot, full of sound and fury".

DEMOCRACY, HUMAN RIGHTS AND THE RULE OF LAW HAVE CONSTITUTED - SINCE THE WW2 - THE TRIAD DEFINING THE DEVELOPMENT OF COUNTRIES IN THE EURO-ATLANTIC AREA

Yet, nowadays in Poland we are experiencing a crisis of the rule of law. It is not going to end soon. It will keep shaping our reality for many years to come because of the already implemented changes but also because of the low legal awareness of the society.

It will result in the increased threat of corruption and waste of our development opportunities. It will also give rise to increasing sense of injustice and the threat for the rights of minorities.



As indicated by researchers from IDEA still 43% of countries worldwide are affected by a high level of corruption. Do we want to join them or do we want to be like Norway, Sweden, Denmark or the Netherlands - countries with the highest level of the rule of law? We need to continuously nurture that plant of trust in the law, state and institutions. If we fail to protect it from weeds and excessive light, instead of transforming into a monumental oak it will just wither away.

In light of those challenges we may ask what we can do and what our cure for Poland is.

In my view, we are not able to prevent all changes from happening. We are not able to predict everything in detail. But what we can do is to be well aware of social and political trends and assume responsibility.

We may shape the debate in Poland and beyond. What is more, we may be the leaders of change all over the globe. Nobody would be able to ask us later "where was Poland when...": where were we when...". To achieve that we need signposts that will guide us and help us develop tools and solve problems.

FIVE SIGNPOSTS

FIRST: TRUST IN COMPETENCIES, KNOWLEDGE AND SCIENCE

It is from Poland that such outstanding individuals as Nicolaus Copernicus, Maria Skłodowska-Curie, Rafał Lemkin originated from. Poland is also the home country of Olga Malinkiewicz who discovered peroskvites and invented a method for using them to generate solar energy.

We should appreciate the significance of science, education and the ability to diagnose and solve social, health, demographic as well as legal problems. Let us not be deceived by pseudo-science. Let us not be deceived by those who dismiss the significance of the number of written articles, books, quotations. Without science we are not able to take rational, strategic and well thought-out decisions.

We need to strive to reconcile the world of science with the world of politics. We need to hold politicians accountable for their knowledge of facts, using expert know-how or building competence base for their activities.

What do we do when we have a toothache? We do not go to the blacksmith. Let us trust scientists. Let us respect their work and what they have to say.

SECOND: SENSE OF COMMUNITY

The Constitution of the Republic of Poland states that Poland is a joint good of all citizens. European Treaties, on the other hand, state that the European Union is a community of citizens of EU member states.

Caring for the joint good entails diligence in the realization of the public interest but also respect for the sustainable development principle. This translates into specific civilization challenges.

Population aging constitutes a challenge for the young generation in terms of ensuring and financing proper care and social security.

Without a sense of community it is difficult to build acceptance for diversity, resulting from the development of the society, various models of life and migration. Without a sense of community it is not possible to create equal chances of development for everybody, irrespective of where they were born. A sense of community also creates an area for the development of a civic society as well as for looking for solutions to specific problems using bottom-up social energy.

The participants of this Congress are the best proof showing how much the state owes to its citizens.

The biggest civic celebration in Poland is the Finale of the Great Orchestra of Christmas Charity. According to CBOS 83% citizens trust the Great Orchestra of Christmas Charity. Is it not the best illustration showing why the community spirit as well as the activity of the civic society plays such a profound role?

THIRD: EUROPEAN INTEGRATION

Poland is not able to cope with global problems on its own. Poland should not only fulfil the requirements, implement recommendations and European law but also set the tone in discussions held in the EU and all over the world.

We have the right people and potential. It all depends solely on us and our leaders. As an example, Polish "Solidarity" heritage may transform into "climate solidarity" agenda, as Lech Wałęsa argued for recently in Gdańsk.

Poland needs to cooperate with neighbours; follow European interest and not national egoism. Concurrently, Poland may expect the same from other member states.



European integration is also manifested by attention given to transatlantic relationships and efforts to make the alliance that has existed since WW2 focus on democracy and human rights. The major global threats for human rights can be located in imperial ambitions of China.

Therefore, we have to say: Do not ask what the European Union can do for you. Ask what you can do for the Union.

FOURTH: SERVING THE STATE

It means appreciating the institutions and authorities, focusing on the development of the competencies of civil servants as well as highlighting the significance of personal decisions to serve the state and the homeland throughout one's life, and taking an oath to follow the Constitution.

But it also entails a modern spirit of patriotism: serving the state through daily work, and realizing the public mission - as a teacher, civil servant, policeman, diplomat, special services officer, prosecutor or judge.

Serving the state also requires listening to its citizens and developing modern mechanisms of democratic participation. At the same time it means a strong state and a strong European Union, which, owing to their civil servants can effectively counteract global interests of huge corporations.

There is no other way.

In order to make us understand how significant but also underrated public service is, I would like to quote a fragment of an interview with Mariusz Krason, a prosecutor, for the "Duży Format" magazine.

"I am a prosecutor, not a politician, I chose this profession as it clearly states my tasks: I am supposed to be on the side of the victim. [...] It [...] is a bloody difficult job. Just imagine that you have a four-year-old daughter and you are going to see a child of the same age. Her father smashed her head with a hammer and you are supposed to carry out a visual inspection and attend the post-mortem. The police, in crisis situations, may use the help of a psychologist but such assistance is not provided to prosecutors. Some of us cope by practicing sport, some drink alcohol. Alcohol abuse, depression, shattered relationships - this is our world. Sometimes people say that we are devoid of feelings, we act like robots. But there is no other way. Once I inspected a site of an accident in which a family of four died. I look into the car, I hear a phone ringing. I touch my pockets, no, it is not mine, it is the driver's phone. I felt like my legs turned to jelly. Therefore, if you need to perform a task you need to act automatically. Later, in the privacy of your home, you may show weakness".

FIFTH: EDUCATION

It is the best investment in the future, the best way to show that we care about the future generations and their well-being.

Education is an investment in social capital and the method of nurturing new generations of mature citizens who will be able to assume responsibility for the shape of the community - local, national, European and global one.

Education is also a method for opposing populism and eliminating inequalities in the society as well as gaining acceptance for multi-cultural society. If we need any validation for the theses presented above, let us look who is forming the government in Finland - a country serving as a model in terms of its education system. It is not a coincidence that the 34-year-old Sanna Marin comes from Finland.

2035 IS NOT A DISTANT FUTURE

If we waste the upcoming 15 years on daily political battles and personal attacks we may reach a point of no return when it comes to the rise of authoritarian movements, forces of global corporations, application of new technologies for controlling our lives or climate change.

Human rights cannot be discussed in separation from social and political life. The doctrine of human rights fails to offer ready-made solutions. Those solutions depend on the politics. Yet, looking at the politics from the point of view of development challenges shows that human rights and constitutional values may prove useful.

In this complicated and hardly graspable world, mentioned by Olga Tokarczuk in her Nobel Prize speech, they may act as a guiding light or a benchmark, provided that we really take them seriously and consider how they affect our lives. The signposts that I indicated may help us find the way on that difficult journey of facing civilization challenges.

I appeal to politicians, not from the current or the former governments, which I want to explicitly stress, but to all politicians, as the problem of the lack of a strategic approach has been visible in Poland for many years. I urge presidential candidates, those who attended the Congress on Civil Rights in person and those who were represented by their delegates.

Think about civilization challenges facing Poland. Let us look into the future. Let us see what is really important. And let us get ready for what is coming. Before it gets too late.

